Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number: Q76452

Mail Stop AF
Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450

Application Number	Filed
10/625,721	July 24, 2003
First Named Inventor: Michel CHEVANNE	
Art Unit: 2452	Examiner: Thomas J. Dailey

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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

☑ I am an attorney or agent of record.
Registration number 39,234

/Kelly G. Hyndman 39,234/
Signature

Kelly G. Hyndman
Typed or printed name

(202) 293-7060
Telephone number

March 9, 2009
Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Docket No: Q76452

Michel CHEVANNE, et al.

Appln. No.: 10/625,721 Group Art Unit: 2452

Confirmation No.: 8118 Examiner: Thomas J. Dailey

Filed: July 24, 2003

For: METHOD AND DEVICE FOR PROCESSING DATA FOR GENERATING ALARMS WITHIN A COMMUNICATION NETWORK

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
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Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated October 7, 2008, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue: Claim 1 recites "processing means for receiving, from an equipment in a communications network, primary data defining events in at least one primary format and delivering to a management device in said network secondary data defining alarms representing said events, in a secondary format."

The Examiner cited Larson at paragraph [0129], lines 4-8, as allegedly teaching primary data defining events, as recited in claim 1. In addition, the Examiner cited Larson at paragraph [-129], lines 9-16 ads allegedly teaching secondary data defining alarms, as recited in claim 1. *See* page 3 of the Final Office Action of October 7, 2008.

Specifically, the Examiner alleges that a "problematic device (equipment) generates SNMP traps (primary data defining event in primary format) and [an] NMS system [which] receives it." *See* page 3 of the Final Office Action of October 7, 2008. In other words, the Examiner seems to interpret the SNMP

traps in Larson as corresponding to the primary data defining events according to claim 1. In addition, the Examiner seems to allege that the Network management System (NMS) in Larson corresponds to the processing means according to claim 1.

Finally, the Examiner contends that the XML file in Larson, which is generated by the NMS system, corresponds to secondary data defining alarms, as recited in claim 1. *See* page 3 of the Office Action. In summary, the Examiner contends that the SNMP traps and XML files in Larson correspond to events and alarms, respectively, in claim 1.

Based on the above, the Examiner further contends that Larson teaches "wherein said processing means comprise an interpreter which is provided with a plurality of conversion rules, arranged in the form of scripts that are interpreted by the interpreter and are associated with a plurality of different primary event formats, and arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be processed by said management device," as recited in claim 1. Applicants respectfully disagree with the Examiner's interpretation of the Larson reference.

First, a person of ordinary skill in the art would not have interpreted the XML file in Larson as corresponding to secondary data defining alarms in the meaning of claim 1. Instead, a person of ordinary skill in the art would have interpreted alerts (*see* FIG. 6, step 96), and not the XML file, as corresponding to secondary data defining alarms, as recited in claim 1. That is, because Larson teaches "[d]epending on the event, the NMS will ignore it, log it, or generate an alert." *See* paragraph [0129], lines 8-9.

Second, even assuming, *arguendo*, that one would have interpreted the XML file as secondary data defining alarms, Larson clearly does not disclose or suggest "a plurality of conversion rules . . .

arranged so as to convert, by means of said rules, primary data received . . . into secondary data," as recited in claim 1.

The Examiner contends that Larson teaches this unique feature of claim 1, citing paragraph [0129], lines 9-16, and alleging that the "NMS system runs scripts to convert SNMP traps to XML messages." *See* page 3 of the Final Office Action of October 7, 2008. However, as FIG. 6 of Larson clearly shows, the "Alert" (element 96), and not the "Event" (element 92) is converted into an XML file by using a script (step 98). In other words, the script in Larson is used to convert alerts, which represent a format that is different to the event format, into a third format, namely the XML file format. In addition, before these alerts are converted in Larson, the NMS system might ignore certain events which makes it simply impossible to convert such ignored events by using the script. That is, why in Larson the alerts, and not the events, are converted into XML files which is clearly different from converting "primary data received in one . . . primary format . . . into secondary data in . . . secondary format," as recited in claim 1.

Finally, even assuming for the sake of argument that one would interpret Larson as teaching an indirect conversion of events into XML files via alerts, Larson does not disclose or suggest "a plurality of conversion rules . . . associated with a plurality of different primary event formats . . . [and] each of the plurality of different primary event formats corresponds to a particular script," as recited in claim 1.

The Examiner concedes that Larson does not disclose or suggest the above-noted unique feature of claim 1. However, the Examiner contends that Weiss cures the deficiencies of Larson. See pages 3 and 4 of the Final Office Action of October 7, 2008.

In the January 30, 2009, Response, Applicants submitted that if one would substitute the single script of Larson, which generates XML RPC based on SNMP traps (*see* Larson at paragraph [0129]) with the plurality of scripts in Weiss, which are [each] associated with exactly one event, such a combination

would still not disclose or suggest a plurality of conversion rules arranged in particular scripts and corresponding to a plurality of different primary events, as recited in claim 1. *See* page 4 of the January 30 Response.

In response, the Examiner alleges that "the combination of Larson and Weiss would yield a system with a plurality of different event formats (Larson may only disclose one event format, but the addition of more formats would not change the principle operation of Larson, i.e., converting network events and the examiner sees no reason how the addition of more event formats would preclude Larson from converting SMTP traps as it already does), and respective scripts for said formats." *See* page 2 of the Advisory Action of February 25, 2009.

Weiss teaches events, such as for example "Internet telephony connection attempt, receipt of an Internet instant messaging request, or the receipt of an e-mail message from a particular sender." In addition, these events trigger corresponding alarms. *See* paragraph [0094]. A particular script which contains only one "line executing an alarm script" is used to alert the user. *See* paragraph [0094]. In other words, Weiss does not teach any conversion of event formats into secondary formats. Instead, the script is used to "play . . . a particular sound file," for example. *See* paragraph [0095].

The above-noted examples of events do not represent different event formats in the meaning of claim 1. Even assuming, *arguendo*, that a person of ordinary skill in the art would have interpreted the above discussed examples of events in Weiss as different event formats, replacing the script of Larson with the plurality of scripts of Weiss would not lead to a plurality of different primary event formats which corresponds to a particular script. That is, because each of the alleged formats in Weiss would only define <u>one</u> event since it contains only one command line. However, claim 1 requires primary data defining <u>events</u> (plural) in at least one primary format, *i.e.,* more that one event per event format.

As a result, Larson in view of Weiss does not disclose or suggest all of the elements as set forth and arranged in claim 1. Therefore, Applicants submit that claim 1 would not have been obvious under 35 U.S.C. § 103(a) over Larson in view of Weiss. Independent claims 14, 15 and 28 recite analogous features as claim 1 and are patentable for analogous reasons as claim 1.

Stilwell does not remedy the deficiencies of Larson in view of Weiss. Claims 2, 10-13, 16-27, 29 and 31-34 depend from claims 1, 15 and 28, respectively, and are patentable at least by virtue of their dependencies.

Respectfully submitted,

/Kelly G. Hyndman 39,234/
Kelly G. Hyndman
Registration No. 39,234

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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